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§ 801 CA 0434 06
§ Civil Action No. _____

Civil Action No.

Defendants.

6. **Compliance with Deadline:** The pleading which alleges violations of Plaintiff's due process rights was served on Defendant on May 11, 2001. Defendant has thirty (30) days in which to remove. Therefore, this removal is timely. Defendant will answer within the 5 day time limit.

7. **State Court Pleadings:** A true and correct copy of all process and pleadings served upon Defendant in the state court action is being filed with this notice as required by 28 U.S.C. § 1446(a). Also attached is Supplemental Civil Cover Sheet.

ACCORDINGLY, Defendant prays that this cause be removed to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to §1441 of Title 28 of the United States Code.

Respectfully submitted,

JOHN CORNYN
Attorney General of Texas

ANDY TAYLOR
First Assistant Attorney General

JEFFREY S. BOYD
Deputy Attorney General for Litigation

TONI HUNTER, Chief
General Litigation Division



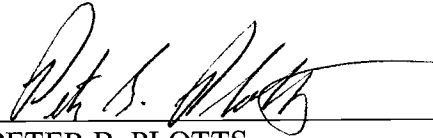
PETER B. PLOTS
Assistant Attorney General
Texas Bar No. 16074100
P. O. Box 12548, Capitol Station
Austin, Texas 78711
Phone No. (512) 463-2120
Fax No. (512) 320-0667

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via U.S.

Mail and facsimile, on May 22, 2001 to:

Regina B. Criswell
Lincoln Center
7800 I-H 10 West, Suite 635
San Antonio, Texas 78230



PETER B. PLOTTS
Assistant Attorney General

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Philip L. Stotter, Ph.D.

DEFENDANTS

University of Texas at San Antonio, G
Bailey and David Johnson(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Bexar
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Bexar
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Regina B. Criswell
7800 IH 10 West, Suite 635
San Antonio, TX 78230
(210) 375-1963ATTORNEYS (IF KNOWN) Peter Plotts
P.O. Box 12548
Austin, TX 78711-2548
(512) 463-2120

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 ☐ 1 PTF DEF Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 446 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 661 HIA (1395m) <input type="checkbox"/> 662 Black Lung (923) <input type="checkbox"/> 663 DIWC/DIWW (405(g)) <input type="checkbox"/> 664 SSID Title XVI <input type="checkbox"/> 665 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 671 IRS - Third Party 28 USC 7609	

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 U.S.C. 1983, violation of due process

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ YES ☒ NOVIII. RELATED CASE(S) (See instructions):
IF ANY

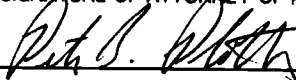
JUDGE

DOCKET NUMBER

DATE

5/22/01

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

SUPPLEMENTAL CIVIL COVER SHEET
FOR CASES REMOVED FROM STATE COURT

RECEIVED

*This form must be attached to the civil cover sheet at the time
the case is filed in the United States District Clerk's office.*

Additional sheets may be used as necessary BY _____

MAY 23 2001
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DEPUTY CLERK

1. **Style of the Case:**

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named, and include their bar number, firm name, correct mailing address, and phone number (including area code.)

Party and Party Type

Philip L. Stotter, Ph.D., Plaintiff

Attorney(s)

Regina B. Criswell
Lincoln Center
7800 I-H 10 West, Suite 635
San Antonio, Texas 78230
210-375-1963
210-375-2373 fax
SBN 01496580

University of Texas at San Antonio,
Guy Bailey and David Johnson, Defendant

Peter Plotts
Assistant Attorney General
P.O. Box 12548
Austin, TX 78711-2548
(512) 463-2120
(512) 320-0667 fax

2. **Jury Demand:**

Was Jury Demand made in state Court?

_____ Yes

___X___ No

If "Yes", by which party and on what date?

Party

Date

3. **Answer:**

Was an Answer made in State Court?

_____ Yes

___X___ No

If "Yes," by which party and on what date.

Party

Date

4. **Unserved Parties:**

The following parties have not been served at the time this case was removed.

Party

Reason(s) for No Service

5. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

Party

Reason

6. **Claims of the Parties**

The filing party submits the following summary of the remaining claims of each party in this litigation:

Party

Claims(s)

Philip L. Stotter

AO82 SWEDA
(Rev 4/90)

TRIPPLICATE
RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TEXAS

169386

Fund
6855XX Deposit Funds
604700 Registry Funds
General and Special Funds
508800 Immigration Fees
085000 Attorney Admission Fees
086900 Filing Fees
322340 Sale of Publications
322350 Copy Fees
322360 Miscellaneous Fees
143500 Interest
322380 Recoveries of Court Costs
322386 Restitution to U.S. Government
121000 Conscience Fund
129900 Gifts
504100 Crime Victims Fund
613300 Unclaimed Monies
510000 Civil Filing Fee (1/2)
510100 Registry Fee

at SA

000330P

000405P

05/24/01

169386##
CIVIL FILE FEE
086900 60.00
SA01CA0434##
CIVIL FILE FEE
405 90.00

TOTAL 150.00
CHECK 150.00
CHANGE 0.00
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CASE REFERENCE:

SA01CA0434

RECEIVED FROM

Attorney General's Court Cost Fund

CK 2720

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Philip L. Stroter vs WISA

DEPUTY CLERK

DS

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

NO. 2001-CI-06933

PHILIP L. STOTTER, PH.D.,

Plaintiff,

v.

UNIVERSITY OF TEXAS AT SAN ANTONIO, and
GUY BAILEY and DAVID JOHNSON,.

Defendants.

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IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

285TH JUDICIAL DISTRICT

PLEADINGS INDEX

- | | | |
|----|---------|--|
| 1. | 5/10/01 | Plaintiff's Original petition and Application for Temporary Restraining Order and Temporary Injunction |
| 2. | 5/11/01 | Temporary Restraining Order |
| 3. | 5/11/01 | Citation for David Johnson |
| 4. | 5/11/01 | TRO for Guy Bailey |
| 5. | 5/11/01 | Citation for Guy Bailey |
| 6. | 5/11/01 | Citation for University of Texas at San Antonio |

000004

NO. 2001-CI-06933

PHILIP L. STOTTER, PH.D.,

Plaintiff,

v.

UNIVERSITY OF TEXAS AT SAN ANTONIO, and
GUY BAILEY and DAVID JOHNSON,.

Defendants.

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IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

285TH JUDICIAL DISTRICT

NOTICE OF FILING OF REMOVAL

TO: Reagan Geer, Bexar County District Clerk, San Antonio, Texas

Pursuant to 28 U.S.C. § 1446(d), you are hereby given notice that on May 22, 2001, Defendants University of Texas at San Antonio, Guy Bailey and David Johnson, filed their Notice of Removal in the United States District Court for the Western District of Texas, San Antonio Division, thereby removing this cause to the United States District Court. A copy of that Notice is attached hereto and incorporated herein for all purposes. This Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

Respectfully submitted,

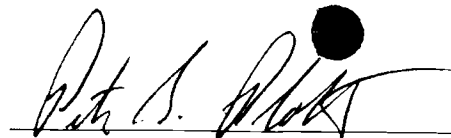
JOHN CORNYN
Attorney General of Texas

ANDY TAYLOR
First Assistant Attorney General

JEFFREY S. BOYD
Deputy Attorney General for Litigation

TONI HUNTER, Chief
General Litigation Division

000005



PETER B. PLOTTS

Assistant Attorney General

Texas Bar No. 16074100

P. O. Box 12548, Capitol Station

Austin, Texas 78711

Phone No. (512) 463-2120

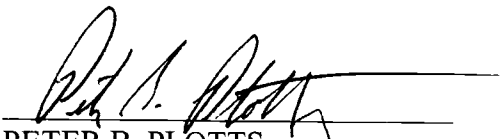
Fax No. (512) 320-0667

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via U.S.

Mail, Certified, Return Receipt Requested and facsimile, on May 22, 2001 to:

Regina B. Criswell
Lincoln Center
7800 I-H 10 West, Suite 635
San Antonio, Texas 78230



PETER B. PLOTTS

Assistant Attorney General

FILED
DISTRICT CLERK
BEXAR COUNTY

2001CI06933

PHILIP L. STOTTER, Ph.D.

DEPUTY

v.

THE UNIVERSITY OF TEXAS
AT SAN ANTONIO, and
GUY BAILEY and
DAVID JOHNSON

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IN THE DISTRICT COURT

57th DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY
RESTRAINING ORDER and TEMPORARY INJUNCTION

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes PHILIP L. STOTTER, Ph.D., hereinafter referred to as Plaintiff or Dr. Stotter, and files this his Original Petition, Application for Temporary Restraining Order and Temporary Injunction, and in support hereof respectfully shows the court as follows:

I.

Plaintiff, Philip L. Stotter, Ph.D. is a tenured faculty member of the University of Texas at San Antonio, and resides in San Antonio, Bexar County, Texas.

Defendant, University of Texas at San Antonio, is a governmental entity situated within San Antonio, Bexar County, Texas, and may be served with process through its President, Ricardo Romo at 6900 North Loop 1604 West, San Antonio, Texas 78249.

Defendant, Guy Bailey, is an individual who may be served with process at his place of employment, University of Texas at San Antonio, 6900 North Loop 1604 West, San Antonio, Texas 78249.

Defendant, David Johnson, is an individual who may be served with process at his place of

employment, University of Texas at San Antonio, 6900 North Loop 1604 West, San Antonio, Texas 78249.

II.

Venue is proper in Bexar County, Texas.

III.

Plaintiff intends for this suit to be conducted under Discovery Level 3.

IV.

This court has jurisdiction of Plaintiff's claims and causes of action pursuant to the Texas Declaratory Judgment Act; pursuant to 42 U.S.C. Sec. 1983, in connection with due process violations of Plaintiff's federal constitutional rights, and pursuant to this court's equitable powers in connection with violations of Plaintiff's state constitutional due process rights.

V.

Background Facts

A. Dr. Stotter's employment history and professional accomplishments at UTSA

1. Philip L. Stotter, Ph.D. is currently employed as a Professor of Chemistry with tenure at the University of Texas at San Antonio, (hereafter UTSA). He has been employed with UTSA beginning 1974 to the present. Prior to his employment with UTSA, Dr. Stotter was employed at the University of Texas at Austin between 1967 and 1975. Dr. Stotter was employed concurrently by UTSA and UTAustin during 1974-1975. He earned his BA in chemistry in 1963 from Harvard University, where he also minored in English and Philosophy. Dr. Stotter earned his MA in chemistry in 1964, and his PhD in 1968 from Columbia University.
2. Over the past decade, Dr. Stotter has been a vital and moving force in the University's

Division of Earth and Physical Sciences. Dr. Stotter personally developed a collaborative effort between UTSA and Los Alamos National Laboratory, in New Mexico. With University approval, Dr. Stotter spent six months at the National Laboratory on a joint appointment during 1998, and then completed a thirteen week visiting scientist summer appointment during 2000. He is primarily responsible for the development of a summer intern program for UTSA chemistry students with Los Alamos National Laboratory, which recognizes outstanding organic chemistry students in connection with opportunities for paid research at Los Alamos National Laboratory while earning academic credits at the University.

3. During the mid 90's Dr. Stotter was largely responsible for the design and construction oversight of a multi-use, organic and upper-division chemistry teaching lab suite. The lab is one of the most effective chemistry teaching facilities in the Southwest, and has since served as a template for the design of a new and renovated chemistry teaching labs at both the downtown and 1604 San Antonio campuses.

4. In addition to his routine involvement in soliciting grants and contract funding to support University research, Dr. Stotter was responsible for bringing over \$125,000.00 in consulting fees to the University in support research funding during the early 1990s. Upon information and belief, Dr. Stotter estimates the University could receive approximately \$40,00.00 in additional consulting fees during 2001-2002. In 1991 Dr. Stotter was one of 3 organizers of an international symposium honoring the Nobel Laureate chemist, Professor Derek H.R. Barton held in San Antonio in conjunction with the 1991 American Chemical Society Southwest Regional meeting.

5. Dr. Stotter was influential in the University's successful recruitment of 3 new Organic Chemists for the Division of Earth and Physical Sciences (hereafter EPS), during the past 7 years.

During the fall 1999 semester, Dr. Stotter chaired 3 committees at the EPS Division's request. These committees included (1) the Divisional Faculty Review Advisory Committee, which successfully recommended promotion of three chemists, and tenure for 2 of the new organic chemists; (2) the Organic Faculty Search Committee, which successfully added the third new dynamic Organic Chemist to the University faculty; and (3) an Advisory Faculty Committee, which made recommendations in connection with Dr. Thyagarajan's retirement and the announcement of his Emeritus appointment. Additionally, Dr. Stotter represented the Chemistry Graduate Studies Committee as its elected member of the Graduate Council for most of the 1990s.

6. In honor of Dr. Stotter, a distinguished University alumnus, Dr. Tom Pressly, III, who is nationally-recognized for his work in rheumatology, presented the University with unsolicited funds to award to outstanding students in organic chemistry, during the 1998-1999 academic year. Dr. Pressly created the Professor Philip L. Stotter Award in Organic Chemistry to encourage outstanding undergraduate students in the discipline, and to honor Dr. Stotter, after whom Dr. Pressley insisted the award be named. Dr. Pressly visited the University during 1999 to personally present the inaugural awards, and attributed Dr. Stotter with having left an indelible mark on him. During presentation of the 2000 Professor Philip L. Stotter Award in Organic Chemistry in the fall semester, Dean of the College of Sciences, Dr. William Scouten requested Dr. Stotter to represent Dr. Pressley during the awards ceremony.

B. Sick leave/Paid Release Time Dispute

7. Separate and apart from Dr. Stotter's teaching assignments, administrative responsibilities, and scholarly accomplishments during the past decade, issues regarding the University's sick leave policy, the use of Dr. Stotter's own sick leave and paid release time remained unresolved. Despite

numerous attempts on Dr. Stotter's part to resolve the dispute through the University's administrative channels, many University employees and officials with knowledge of the dispute eventually left the University's employ, and the dispute has never been officially resolved.

In connection with this dispute, during 1990 and 1991 a former VP for Academic Affairs, Dr. Leonard Valverde specifically instructed Dr. Stotter not submit his annual reports until the issues related to the use of sick leave and paid release time were resolved. Dr. Stotter has not submitted annual reports since that time, and was directed to submit his annual reports in a meeting with Provost Guy Bailey during February 2001.

C. University Facility Inspections

8. In January 1999, the University conducted a routing evaluation of some of the University's laboratories by its Risk Management division, including Dr. Stotter's. Dr. Stotter was involved in the inspection and provided a copy of the inspection report. The inspection report suggests some re-labeling of chemicals was needed, additional storage cabinets were needed, and some corrosive chemicals were possibly stored improperly. The report contains no reference to any health & safety hazard, or that immediate action is required.

9. In December 1999, the University conducted a routine evaluation of the University's offices, by its Risk Management division. Dr. Stotter's office was considered an "extreme fire hazard" due to papers, trash and boxes, and needs immediate attention. Two other offices were considered "fire hazard(s)" as well. Dr. Stotter has no independent recollection of ever being provided a copy of the December 1999 inspection report or otherwise notified about the inspection of his office at that time.

10. Apparently, a follow-up inspection of Dr. Stotter's laboratory was conducted on March 2, 2000. Dr. Stotter was not present for this inspection, and was not provided a copy of this inspection

report until October 2000. Similarly, although a written communication accompanying the report was sent to Dr. Stotter via e-mail at the University, since Dr. Stotter didn't utilize the University's e-mail system, he never became aware of the communication at the time. Again, the report indicated some problems which required the University's attention, and some problems related to storage and labeling of chemicals.. Notably, there was no indication in the March 2000 inspection report or the accompanying e-mail communication that the condition of the laboratory required immediate attention, or otherwise posed any health and/or safety threat.

11. At the end of May 2000, Dr. Stotter left San Antonio for a 13-week University approved appointment at the Los Alamos National Laboratory in New Mexico. While in New Mexico, Dr. Stotter communicated with his supervisor Dr. Eric Swanson in August 2000 regarding a salary adjustment. Dr. Stotter's written communication included details regarding the sick leave dispute and the subsequent events leading up Dr. Stotter's notification that his absent annual reports not only resulted in passed over merit raises, but also apparently barred him from consideration for an equitable salary adjustment as well, despite assurances to the contrary.

12. Dr. Stotter's August 2000 communication to Dr. Swanson specifically referenced his earlier request for written documents regarding eligibility for salary adjustments, and specifically referenced his earlier offers to hold the University harmless for the administrative misuse of his benefits. Dr. Swanson provided a written response dated August 27, 2000, and included written materials regarding salary adjustments as requested.

13. Although Dr. Stotter received a memorandum of appointment dated September 1, 2000, for the 2000-2001 academic year, he did not sign the memorandum since the ongoing dispute referenced in his 1999 memorandum of appointment was still unresolved. However, Dr. Stotter undertook his

teaching, administrative, and research responsibilities for the fall 2000 semester.

14. A follow-up inspection of Dr. Stotter's office was conducted October 4, 2000. Although the e-mail communication indicates the inspection occurred on October 4, and the inspector apparently notified the risk management division of a continuing problem with excessive books, papers and boxes on the same day, the Division Director, Dr. Hammond wasn't notified until 2 days later.

15. Dr. Stotter received a memo from ~~Division~~ Director, Dr. Weldon Hammond dated October 6, 2000. Attachments included the December 15, 1999, inspection report related to his office (not previously received), a January 13, 1999, inspection report related to his laboratory (previously received), a March 2, 2000, memorandum with a March 2, 2000, inspection report related to his laboratory (not previously received), and a copy of an October 4, 2000, e-mail communication related to a follow-up inspection of his office. Dr. Hammond's October 6 memo requested Dr. Stotter to correct the situation as soon as possible. After further communications regarding the situation, Dr. Hammond asked Dr. Stotter to have his office placed in an acceptable condition no later than October 18, 2000, without any reference to his laboratory.

16. Apparently, a meeting was conducted between various University officials on October 30, 2000 during which it was apparently decided that Dr. Stotter's laboratory now posed a hazard and needed to be closed immediately, despite that neither the January 1999 or March 2000 inspection reports suggested immediate health & safety concerns related to the storage and labeling of chemicals in his lab. On October 31, 2000, Dr. Hammond wrote to Dr. Stotter about his office and his laboratory, advising that he had until November 3, to place his office in a non-hazardous condition. He was also asked to address concerns regarding his laboratory immediately, to avoid its closure, although no due was provided. Dr. Hammond offered the assistance of another Professor and

members of the student chemistry club to help with moving boxes. Despite the offer of assistance of Dr. Hochman and student chemistry club members, there was an apparent miscommunication regarding coordination for the move.

17. As a result of continued medical problems and the miscommunication in connection with organizing the move, On November 6, 2000, Dr. Hammond authorized additional time to complete the office until November 10, and specifically advised Dr. Stotter that if he had not complied by the deadline, the University would move items to another location. Again an offer of assistance was made, but there was yet another miscommunication, since apparently only some of the students showed up to help, and didn't wait for the others or Dr. Stotter before they decided to leave. As a result, efforts to clear out Dr. Stotter's office was again delayed. As the fall semester drew to a close, Dr. Stotter received no further communications regarding the condition of his office or his lab, and the University took no action to remedy either situation.

18. Dr. Stotter received a written communication from Dr. Hammond dated January 2, 2001 which set forth some of the facts related to the previous inspections and communications regarding Dr. Stotter's office and lab. However, the letter set forth incorrect and incomplete information related to the previous communications. The letter advised Dr. Stotter that the University would begin packing boxes on January 8, and invited Dr. Stotter to attend. The letter also advised Dr. Stotter that his lab had been closed, and that the University intended to identify unmarked or unknown chemicals and correct storage and safety problems in the lab, and invited his participation in this effort. The letter also advised that since Dr. Stotter had not followed his earlier directives, he was forwarding the matter to University officials for consideration of disciplinary action. Accompanying the formal letter from Dr. Hammond, was an informal letter dated January 2, 2001

in which Dr. Hammond identifies the formal letter as having come from the Provost's office, and advising the matter is out of his hands.

19. Dr. Stotter responded to Dr. Hammond's communication by e-mail, and copied the University President, Ricardo Romo; the Provost and VP for Academic Affairs, Guy Bailey; the Vice Provost, David Johnson, and Dean William Scouten. In particular, Dr. Stotter detailed his efforts during December 2000 to address problems with the office and the lab, explaining that he had met with a safety officer in his lab during December 2000, when yet another safety inspection was conducted, and moving and storage of chemicals was discussed. He also advised that during December 2000, he had arranged to have colleagues and graduate students help during the first week of January with packing and moving his office. He reminded Dr. Hammond that his office had been informed of these arrangements during December.

D. Due Process Violations

20. During the first week of January 2001, Dr. Stotter, along with some of his colleagues and graduate students, packed and moved approximately 40 of an estimated 100 boxes of books, papers and journals to the University reading room. On January 8, 2001, Dr. Stotter went to the University campus to determine if the University was in fact packing and moving boxes from his office as referenced in the January 2, 2001 letter. Despite that Dr. Stotter was specifically invited to attend the packing and moving of his office on January 8th, Dr. Hammond apparently notified University police to be in attendance at Dr. Stotter's office on the morning of January 8, under the pretext of keeping the peace.

21. University police were at Dr. Stotter's office when he arrived. Dr. Stotter contacted Dr. Hammond regarding the condition of his office, in light of the work that had already been

accomplished, and wanted to get input from Dean Scouten before any additional packing was completed. Dr. Hammond left the immediate area to try to contact Dean Scouten and the personnel in Dr. Stotter's office continued packing. Despite Dr. Stotter's protests that packing was to wait until Dr. Hammond returned with further instructions, the University personnel insisted they were to continue packing the office. Consequently, Dr. Stotter started for Dr. Hammond's office, when University police attempted to prevent Dr. Stotter from exercising his right to free speech and association by chasing him through the University offices insisting he had no right to be there or to talk with the University personnel. Eventually, the police restrained Dr. Stotter in handcuffs and escorted him to his vehicle, with instructions to leave the campus.

22. Later the same day, Dr. Stotter forwarded the December 2000 inspection report for his lab to Dr. Hammond, University President Romo, Provost and VP for Academic Affairs, Guy Bailey, Executive Vice President, David Johnson, and Dean William Scouten, which showed no serious or immediate health & safety issues or concerns. Yet another e-mail communication was sent to these same individuals later on January 8, 2001 detailing the events and communications related to the packing of his office.

23. On January 12, 2001 University President Romo notified Dr. Stotter by certified mail, that the Provost's office had received numerous complaints about health & safety issues posed by his office and laboratory, and his conduct in relation to their maintenance and cleanup, and suspended Dr. Stotter with pay pending an investigation. Dr. Stotter agreed to meet with Provost Guy Bailey on February 16, 2001 in connection with his investigation.

24. On Friday February 23, 2001, Provost Bailey wrote to Dr. Stotter by certified mail, advising that clean up in his lab was scheduled for Monday February 26, 2001 at 9:00 a.m. Bailey's letter

specifically advised Dr. Stotter that any personal belongings had to be picked up prior to 9:00 a.m. on Monday morning, and that any materials synthesized for use in or as a part of any ongoing project had to be identified, and that if such research materials existed, an appropriate and safe place would be provided. Dr. Stotter was advised to contact Dr. Hammond prior to February 26th so Dr. Hammond and University police could escort him to his lab, otherwise the University would assume Dr. Stotter had no personal belongings or any ongoing research projects that he was interested in preserving.

25. Dr. Stotter did not receive Provost Guy Bailey's February 23rd letter until March 1, 2001 well after the removal of literally everything of value in the lab, including equipment and chemicals that had never posed a health or safety issue. Although Dr. Stotter left emergency messages for his Division Director and Dean upon receipt of the certified letter, he received a telephone call from Executive Vice Provost Johnson. Dr. Stotter explained he wanted the process stopped, since he hadn't been given an opportunity to get into his lab before they had started packing and moving things. Vice Provost Johnson offered to look into the matter and get back to Dr. Stotter, however he never called or otherwise arranged for Dr. Stotter to have access to the lab or to any materials packed and/or moved. Dr. Stotter was not allowed into his lab until March 7, 2001, when he determined the extent of loss in connection with the University's conduct in the alleged "cleanup" of his lab.

26. On April 2, 2001 Guy Bailey sent a written recommendation to terminate Dr. Stotter's contract for good cause to University President Ricardo Romo. A copy of this letter was mailed to Dr. Stotter on April 11, 2001. Despite attempts by Dr. Stotter to communicate with University administration regarding the status of the documents, equipment and other materials taken from his

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office and his lab, no information has been provided. Dr. Stotter has little if any knowledge of the whereabouts, condition, or inventory of the personal property taken from his office and lab. Dr. Stotter has received no further information regarding the status of his employment.

VI.

Application for Temporary Restraining Order and Temporary Injunction

27. As a tenured faculty member at the University of Texas at San Antonio, Plaintiff enjoys a property right in his employment. Plaintiff also enjoys property rights with respect to his employment benefits and his personal property, and also has personal, professional and/or proprietary property rights in non-inventoried and expendable laboratory equipment and supplies, fine chemicals, research synthetic chemicals, and botanicals, research notebooks, spectrometric data, personal and research data stored on the University's computer hard drive and on disks and diskettes, located at the University.

28. On January 8, 2001 the University entered Plaintiff's office to move papers, books and boxes. Upon information and belief, the University has stored approximately 60 boxes on campus, and despite Dr. Stotter's request for access to, and an inventory of the items packed and moved, the University has failed to provide access or an inventory, or otherwise respond in any manner with respect to the status and location of the materials removed from his office.

29. Thereafter, acting by and through the Provost and Vice President of Academic Affairs, Guy Bailey the University sent notice to Plaintiff on Friday, February 23, 2001, certified mail return receipt requested, which directed Plaintiff to arrange to secure and/or identify his personal belongings and any synthesized materials used in or as part of any ongoing research projects in his lab before Monday, February 26, 2001. Dr. Stotter did not receive the February 23rd letter until March 1, 2001.

Although Dr. Stotter was not able to identify and/or secure anything in his office before the 26th (since he did not receive proper notice), upon information and belief, the University invited and/or allowed other faculty and post-doctoral associates to enter Plaintiff's lab, and help themselves to any chemicals in the lab after the time Plaintiff was directed to appear.

30. Dr. Stotter has reason to believe that almost all fine chemicals and all synthesized chemicals, representing an intellectual property library accumulated over approximately 35 years, were removed and/or destroyed at the direction of the University, by employees of ENCISO, an Austin company involved in hazardous waste storage and/or disposal.

31. Plaintiff requests a Temporary Restraining Order against the University of Texas at San Antonio, Guy Bailey and David Johnson, in connection with the wrongful deprivation of personal property and/or intellectual property without due process. Plaintiff is entitled to the relief requested, since Plaintiff has a probable right to the relief sought under the facts and circumstances, given Plaintiff was deprived of property without due process. Plaintiff has suffered an injury in fact, and additional harm and damage is imminent if a temporary restraining order is not issued. The University has previously demonstrated by prior conduct, its willingness to remove and/or destroy property belonging to the Plaintiff without regard to required notice related to Plaintiff's property rights, and without regard to the value or monetary damages associated with such removal and/or destruction.

32. Further, since the University is currently considering a recommendation for termination of Dr. Stotter's tenured employment status, further injury and damages are imminent to the extent that any chemicals, supplies and/or equipment can still be salvaged, either by virtue of the continued storage of the subject property on University property, or by virtue of the continued storage of the subject property on behalf of the University elsewhere.

33. If a Temporary Restraining Order is not issued, the imminent harm described above will result in irreparable injury, to the extent that any additional loss of property, either by the University's failure to preserve the status quo, and/or spoilation of the property will result in additional injury and damages to the Plaintiff, and impossible to evaluate or categorize for purposes of establishing economic injury. Plaintiff will have no adequate remedy at law if a Temporary Restraining Order is not issued, since if the property is not preserved in its current status, Plaintiff will be unable to calculate the economic damages proximately caused by the denial of his due process rights.

34. Having filed suit against the University in connection with the denial of his due process rights, and since the University President is currently considering a recommendation from Defendant Guy Bailey to terminate the Plaintiff's tenured employment status, and based on the University's previous acts and omissions in connection with the denial of Plaintiff's due process rights, Plaintiff has reason to believe and does believe that if the University is served with notice of his lawsuit before a Temporary Restraining Order is issued, the University will not preserve the status quo on its own, without a Court Order. Plaintiff has reason to believe and does believe that any prior notice to the University in connection with the request for a Temporary Restraining Order would result in additional injury and damages.

35. Plaintiff is willing to post bond as required. Tex. R. Civ. Proc. 684 provides that when a Temporary Restraining Order is against the State or an agency of the State, or other governmental entity which has no pecuniary interest in the requested equitable relief, and no monetary damages can be shown in connection with the requested equitable relief, the judge may fix the bond at his discretion. Plaintiff requests that a bond be set in an amount not to exceed \$100.00.

36. Upon expiration of the Temporary Restraining Order, Plaintiff requests that the court

continue its Order in effect for all purposes, pending final disposition of Plaintiff's claims and causes of action.

VII.

Request for Declaratory Judgment

37. Plaintiff requests the court to declare that he was entitled to due process in connection with the property identified herein and made the basis of this suit. Plaintiff further requests that the court declare that his state and federal due process rights were violated by the University, acting by and through its employee, agent or representative, Defendant Guy Bailey when the University failed to provide required notice to the Plaintiff before the property at issue was removed and/or destroyed.

VIII.

Plaintiff has suffered economic damages in connection with the deprivation of his property rights without due process, and as a proximate cause of the actions and conduct of the University in connection with the failure to provide notice as required, Plaintiff has suffered and continues to suffer emotional pain and suffering for which Plaintiff seeks monetary damages within the minimum jurisdictional limits of this court. Plaintiff seeks his attorney fees and costs incurred in connection with filing and prosecution of this suit, expressly authorized by the Declaratory Judgment Act and/or 42 U.S.C. §1983.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that a TRO be issued immediately as requested herein, and that after expiration of the TRO by operation of law, the court issue a Temporary Injunction preserving the status quo pending final resolution of the claims made the basis of this suit. Plaintiff prays that after final hearing, the court find and declare that Plaintiff's due process rights were violated, and that Plaintiff was damaged as a result. Plaintiff prays for his costs

and attorney fees, and for such other and further relief to which the Plaintiff may show himself justly entitled, at law or in equity.

Signed this the 10 day of May 2001.

LAW OFFICE OF REGINA B. CRISWELL
Lincoln Center
7800 I-H 10 West, Suite 635
San Antonio, Texas 78230
(210) 375-1963
(210) 375-2373 facsimile

By: Regina B. Criswell
REGINA B. CRISWELL
SBN: 01496580

ATTORNEY FOR PLAINTIFF

PRIVATE PROCESS

NO. 2001-CI-06933

With Bond

PHILIP L STOTTER PH D

VS.

IN THE DISTRICT COURT
57th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

UNIVERSITY OF TEXAS AT SAN ANTONIO ET AL

"THE STATE OF TEXAS"

TEMPORARY RESTRAINING ORDER

To: UNIVERSITY OF TEXAS AT SAN ANTONIO
BY SERVING ITS PRESIDENT RICARDO ROMO

Whereas,
in a certain cause pending on the docket of the 57th Judicial District Court of Bexar County, Texas,
being cause number 2001-CI-06933, where in PHILIP L STOTTER PH D is PLAINTIFF
and UNIVERSITY OF TEXAS AT SAN ANTONIO is DEFENDANT. In said suit the PLAINTIFF has filed an Original Petition, asking among other things,
for the granting and issuance of Temporary Restraining Order, to restrain the DEFENDANT
UNIVERSITY OF TEXAS AT SAN ANTONIO

as fully set out and prayed for in the Original Petition, a copy of which is attached hereto and to which
reference is here made for the injunctive relief sought by the PLAINTIFF, upon presentation and
consideration of said petition, the Honorable DAVID A. BERCHELMANN, JR. has entered the following,
to-wit: copy of order attached to writ served. And whereas, bond (if required) has been filed and
approved;

These are therefore, to RESTRAIN, and you the said DEFENDANT, UNIVERSITY OF TEXAS AT SAN ANTONIO
are hereby RESTRAINED as fully set out and
prayed for in the Original Petition, a copy of which is attached hereto, made a part hereof and to which
reference is hereby made for a full and complete statement of the injunctive relief sought by the
PLAINTIFF.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the
Bexar County Courthouse in the City of San Antonio, Texas on the 24th day of May A.D., 2001
at 9:00 o'clock A.M. in room 218, PRESIDING Judicial District Court, at which time you are required
to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER
MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 11th day of May A.D., 2001.

REGINA B CRISWELL

ATTORNEY FOR PLAINTIFF
7800 I-H 10 WEST 635
SAN ANTONIO, TX 78230



REAGAN E. GREER
DISTRICT CLERK OF BEXAR CO., TEXAS
BEXAR COUNTY COURTHOUSE
SAN ANTONIO, TEXAS 78205

Elizabeth A. Martinez DEPUTY
ELIZABETH MARTINEZ

RETURN

CAME TO HAND ON THE 11 DAY OF MAY A.D., 2001 AT 11 O'CLOCK A.M. AND EXECUTED
(NOT EXECUTED) ON THE 11 DAY OF MAY A.D., 2001 BY DELIVERING TO RICARDO ROMO - PRES.
IN PERSON, A TRUE COPY OF THIS TEMP. REST. ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF
FAILURE TO EXECUTE THIS TEMP. REST. ORDER IS

TOTAL FEES:

BY [Signature] COUNTY, TEXAS
0455149

NON-PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO THIS DAY OF



NOTARY PUBLIC, STATE OF TEXAS

ORIGINAL

(DK022)

2001C106933

No. _____

PHILIP L. STOTTER, Ph.D.

v.

THE UNIVERSITY OF TEXAS
AT SAN ANTONIO, and
GUY BAILEY and
DAVID JOHNSON§
§
§
§
§
§
§

IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**ORDER GRANTING PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

On the 10th day of May, 2001, came on to be considered Plaintiff's Application for Temporary Restraining Order. Plaintiff appeared through the undersigned attorney of record. The court considered Plaintiff's request for temporary restraining order without notice to the Defendants since Plaintiff offered specific facts in support of the issuance of the order under such circumstances. The court finds that the facts and circumstances made the basis of the request for emergency relief demonstrate an imminent and irreparable injury if the requested relief is not granted. The court finds that Plaintiff's request for temporary restraining order is meritorious, and should in all things be Granted.

IT IS THEREFORE ORDERED that Defendants, the University of Texas, Guy Bailey and David Johnson are temporarily restrained as follows in connection with the property referenced below, to wit:

1. Removing, destroying, tampering, editing, or otherwise altering in any manner, the videotape of Dr. Stotter's laboratory, PSL 1.S12, as referenced by Defendant Guy Bailey in connection with an interview by Defendant Bailey of Dr. Stotter on February 16, 2001 related to the claims and causes of action made the basis of this suit;
2. Removing, destroying, tampering, or otherwise altering in any manner any

glassware, equipment, computers and/or stored computer data, including but not limited to information stored on a computer hard drive and/or on disks or diskettes, research notebooks, spectra, and any books and papers that are still located in Dr. Stotter's laboratory, or which are stored elsewhere on the University's campus proper, or which is stored at any other location, on behalf of or at the request of the University;

3. Removing, destroying, tampering, or otherwise altering in any manner approximately sixty (60) boxes of journal issues and other papers and books, which the University removed from Dr. Stotter's office and stored elsewhere at the University campus.

4. Removing, destroying, tampering or otherwise altering in any manner the original audiotape of Plaintiff's February 16, 2001 interview with Defendant Guy Bailey;

5. Removing, destroying, tampering or otherwise altering in any manner, the University files pertaining or relating in any respect to Plaintiff's employment with the University, including but not limited to files, documents, or records in the EPS division, College of Science, Provost and President's office, business office, personnel and/or human resource office, the payroll office, and all others including the Risk Management office; and

6. Removing, destroying, tampering or otherwise altering in any manner the post-tenure periodic review file, whether stored in combination or separately from any other file, document or record at the University.

The court finds that a bond in the amount of 100.00 is appropriate under the circumstances presented, and requires Plaintiff to post this amount as a condition of this Order. This Order expires by operation of law on May 24, 2001. A hearing on Plaintiff's request for temporary injunction is hereby set for May 24, 2001 at ^{9:00}~~8:30~~ a.m. in the presiding court of Bexar County, Texas.

All other relief not expressly granted herein is DENIED.

Signed this the 10 day of May, 2001.

/s/ David Birchelmann Jr.
JUDGE PRESIDING

SUBMITTED BY:

LAW OFFICE OF REGINA B. CRISWELL

Lincoln Center

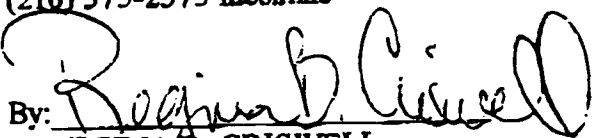
7800 I-H 10 West, Suite 635

San Antonio, Texas 78230

(210) 375-1963

(210) 375-2373 facsimile

By:


REGINA B. CRISWELL

SBN: 01496580

ATTORNEY FOR PLAINTIFF

FILED
DISTRICT CLERK
Certificate of District Clerk That Plaintiff(s)
Have Made Cash Deposit In Lieu Of
Temporary Restraining Order Bond
01 MAY 10 PM 4:54

DEPUTY

The State of Texas
County of Bexar

57th District Court


I Reagan E. Greer, Clerk of the District
Courts in and for Bexar County, Texas, do hereby certify that
PHILLIP L. STOTTER, PhD Plaintiff (s) in Cause No.
2001CI06933 Styled PHILIP L. STOTTER, PhD
vs THE UNIVERSITY OF TEXAS AT SAN ANTONIO, ET AL
have this day deposited the sum of ONE HUNDRED AND NO/100
(\$ 100.00) cash, which is the amount ordered by the
Court in lieu of a Temporary Restraining Order Bond.

WITNESS, REAGAN E. GREER, Clerk of the
District Courts in the City of San Antonio, Texas.

Given under my hand and seal of said Courts
at office in the City of San Antonio, Texas, this 10th day
of MAY, A.D. 2001.

REAGAN E GREER
District Clerk, Bexar County, Texas

BY:



WENDELL REES, DEPUTY

000027

PRIVATE PROCESS

NO. 2001-CI-06933

With Bond

PHILIP L STOTTER PH D

VS.

IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

UNIVERSITY OF TEXAS AT SAN ANTONIO ET AL

"THE STATE OF TEXAS"

TEMPORARY RESTRAINING ORDER

To: DAVID JOHNSON

Whereas,

in a certain cause pending on the docket of the 57th Judicial District Court of Bexar County, Texas, being cause number 2001-CI-06933, where in PHILIP L STOTTER PH D is PLAINTIFF and DAVID JOHNSON

is DEFENDANT. In said suit the PLAINTIFF has filed an Original Petition, asking among other things, for the granting and issuance of Temporary Restraining Order, to restrain the DEFENDANT DAVID JOHNSON

as fully set out and prayed for in the Original Petition, a copy of which is attached hereto and to which reference is here made for the injunctive relief sought by the PLAINTIFF; upon presentation and consideration of said petition, the Honorable DAVID A. BERCHELMANN, JR. has entered the following, to-wit: copy of order attached to writ served. And whereas, bond (if required) has been filed and approved;

These are therefore, to RESTRAIN, and you the said DEFENDANT, DAVID JOHNSON

are hereby RESTRAINED as fully set out and prayed for in the Original Petition, a copy of which is attached hereto, made a part hereof and to which reference is hereby made for a full and complete statement of the injunctive relief sought by the PLAINTIFF.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the Bexar County Courthouse in the City of San Antonio, Texas on the 24th day of May A.D., 2001 at 9:00 o'clock A.M. in room 218, PRESIDING Judicial District Court, at which time you are required to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 11th day of May A.D., 2001.

REGINA B CRISWELL

ATTORNEY FOR PLAINTIFF
7800 I-H 10 WEST 635
SAN ANTONIO, TX 78230



REAGAN E. GREER
DISTRICT CLERK OF BEXAR CO., TEXAS
BEXAR COUNTY COURTHOUSE
SAN ANTONIO, TEXAS 78205

Elizabeth A. Martinez DEPUTY
ELIZABETH MARTINEZ

RETURN
CAME TO HAND ON THE 11 DAY OF MAY A.D., 2001 AT 11 O'CLOCK A.M. AND EXECUTED
(NOT ENCLOSED) ON THE 11 DAY OF MAY A.D., 2001 BY DELIVERING TO DAVID JOHNSON
IN PERSON, A TRUE COPY OF THIS TEMP. REST. ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF
FAILURE TO EXECUTE THIS TEMP. REST. ORDER IS _____

TOTAL FEES: _____

BY [Signature] BEXAR COUNTY, TEXAS
0459149

NON-PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO THIS _____ DAY OF _____



NOTARY PUBLIC, STATE OF TEXAS
ORIGINAL

(DK022)

000028

PRIVATE PROCESS

"The State of Texas"

NO. 2001-CI-06933

PHILIP L STOTTER PH D

Plaintiff
vs.

UNIVERSITY OF TEXAS AT SAN ANTONIO ET A

Defendant

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: DAVID JOHNSON

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 10th day of May, 2001.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 11th DAY OF May A.D., 2001.

PLAINTIFF'S ORIGINAL PETITION
AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY INJUNCTION

REGINA B CRISWELL

Attorney/PLAINTIFF

address 7800 I-H 10 WEST 635
SAN ANTONIO, TX 78230



REAGAN E. GREER
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

By: Elizabeth A. Martinez Deputy
ELIZABETH MARTINEZ

OFFICER'S RETURN

Came to hand 11 day of MAY, A.D. 2001, at 3 o'clock P.M.
and executed the 11 day of MAY, A.D. 2001, in BEXAR COUNTY TEXAS
at 1:30 o'clock P.M. by delivering to DAVID JOHNSON
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at 6900 NORTH LOOP 1604
I traveled _____ miles in the execution of this citation. Fees: _____ Serving citation
\$ _____ Mileage _____ Total \$ _____
Badge/PPS # _____

By: [Signature] _____ County, Texas
0459149

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____, _____



NOTARY PUBLIC, STATE OF TEXAS

ORIGINAL
(DK002)

000029

PRIVATE PROCESS

NO. 2001-CI-06933

With Bond

PHILIP L STOTTER PH D

VS.

IN THE DISTRICT COURT
57th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

UNIVERSITY OF TEXAS AT SAN ANTONIO ET AL

"THE STATE OF TEXAS"

TEMPORARY RESTRAINING ORDER

To: GUY BAILEY

Whereas,

in a certain cause pending on the docket of the 57th Judicial District Court of Bexar County, Texas, being cause number 2001-CI-06933, where in PHILIP L STOTTER PH D is PLAINTIFF and GUY BAILEY

is DEFENDANT. In said suit the PLAINTIFF has filed an Original Petition, asking among other things, for the granting and issuance of Temporary Restraining Order, to restrain the DEFENDANT GUY BAILEY

as fully set out and prayed for in the Original Petition, a copy of which is attached hereto and to which reference is here made for the injunctive relief sought by the PLAINTIFF; upon presentation and consideration of said petition, the Honorable DAVID A. BERCHELMANN, JR. has entered the following, to-wit: copy of order attached to writ served. And whereas, bond (if required) has been filed and approved,

These are therefore, to RESTRAIN, and you the said DEFENDANT, GUY BAILEY

are hereby RESTRAINED as fully set out and prayed for in the Original Petition, a copy of which is attached hereto, made a part hereof and to which reference is hereby made for a full and complete statement of the injunctive relief sought by the PLAINTIFF.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the Bexar County Courthouse in the City of San Antonio, Texas on the 24th day of May A.D., 2001 at 2:00 o'clock A.M. in room 218, PRESIDING Judicial District Court, at which time you are required to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 11th day of May A.D., 2001.

REGINA B CRISWELL

ATTORNEY FOR PLAINTIFF
7800 I-H 10 WEST 635
SAN ANTONIO, TX 78230



REAGAN E. GREER
DISTRICT CLERK OF BEXAR CO., TEXAS
BEXAR COUNTY COURTHOUSE
SAN ANTONIO, TEXAS 78205

BY: Elizabeth R. Martinez DEPUTY
ELIZABETH MARTINEZ

RETURN

CAME TO HAND ON THE 11 DAY OF MAY A.D., 2001 AT 11 O'CLOCK A.M. AND EXECUTED (NOT EXECUTED) ON THE 11 DAY OF MAY A.D., 2001 BY DELIVERING TO GUY BAILEY IN PERSON. A TRUE COPY OF THIS TEMP. REST. ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS TEMP. REST. ORDER IS

TOTAL FEES:

By [Signature] COUNTY CLERK TEXAS
#0459149

NON-PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO THIS DAY OF



NOTARY PUBLIC, STATE OF TEXAS
ORIGINAL

(DK022)

650000

PHILIP L STOTTER PH D

Plaintiff
vs.

UNIVERSITY OF TEXAS AT SAN ANTONIO ET AL

Defendant

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
57th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: GUY BAILEY

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 10th day of May, 2001.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 11th DAY OF May A.D., 2001.

PLAINTIFF'S ORIGINAL PETITION
AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY INJUNCTION

REGINA B CRISWELL

Attorney/PLAINTIFF

address 7800 I-H 10 WEST 635
SAN ANTONIO, TX 78230



REAGAN E. GREER
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

By: Elizabeth A. Martinez Deputy
ELIZABETH MARTINEZ

OFFICER'S RETURN

Came to hand 11 day of MAY, A.D. 2001, at 11 o'clock A.M.
and executed the 11 day of MAY, A.D. 2001, in BEXAR Co TEX
at 1:30 o'clock P.M. by delivering to GUY BAILEY
in person a true copy of this citation together with the accompanying copy of plaintiff's
petition. Served at 6200 N Hwy 1604

I traveled _____ miles in the execution of this citation. Fees: _____ Serving citation
\$ _____ Mileage Total \$ _____
Badge/PPS # _____

The State of Texas

By

County, Texas

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____

NOTARY PUBLIC, STATE OF TEXAS

ORIGINAL

(DK002)

000031

PRIVATE PROCESS

"The State of Texas"

NO. 2001-CI-06933

PHILIP L STOTTER PH D

Plaintiff
vs.

UNIVERSITY OF TEXAS AT SAN ANTONIO ET A

Defendant

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT

57th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: UNIVERSITY OF TEXAS AT SAN ANTONIO
BY SERVING ITS PRESIDENT RICARDO ROMO

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 10th day of May, 2001.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 11th DAY OF May A.D., 2001.

PLAINTIFF'S ORIGINAL PETITION
AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY INJUNCTION



REAGAN E. GREER
District Clerk of Bexar County, Texas
Bexar County Courthouse
San Antonio, Texas 78205

Elizabeth A. Martinez Deputy
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OFFICER'S RETURN

Came to hand 11 day of MAY, A.D. 2001, at 11 o'clock A.M.
and executed the 11 day of MAY, A.D. 2001, in BEXAR CO. TX
at 1:30 o'clock P.M. by delivering to LT SAN ANTONIO AT SEA, ITS PRES. RICARDO ROMO
in person a true copy of this citation together with the accompanying copy of plaintiff's petition. Served at 6900 W Loop 1604

I traveled _____ miles in the execution of this citation. Fees: _____ Serving citation
\$ Mileage Total \$
Badge/PPS # _____

By *[Signature]* County, Texas
0457148

The State of Texas

NON - PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this _____ day of _____



NOTARY PUBLIC, STATE OF TEXAS

ORIGINAL

(DK002)

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